

IN THE UNITED STATES BANKRUPTCY COURT
OF THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	No. 4-16-00543
KDP BELLEFONTE, INC.,	:	
Debtor-in-Possession	:	
	:	Chapter 11
ANDREW R. VARA, ACTING UNITED	:	
STATES TRUSTEE,	:	
	:	
Movant	:	
VS.	:	
	:	Convert or Dismiss
KDP BELLEFONTE, INC.,	:	
Respondent	:	

ANSWER ON BEHALF OF DEBTOR-IN-POSSESSION KDP BELLEFONTE, INC.,
TO MOTION OF ACTING UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE

COMES NOW, KDP Bellefonte, Inc., Debtor-in-Possession herein ("KDP Bellefonte "), by its attorneys, Stover, McGlaughlin, Gerace, Weyandt & McCormick, P.C., and respectfully responds as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Denied as stated. The proposed sale of Debtor's assets is currently pending. Both the response deadline and the objection deadline are tomorrow, June 4, 2019, and no objection or response has been filed to date. The proposed buyer appears to be very motivated to close on the sale on or before June 30, 2019.

8. Denied as stated. In light of the proposed sale of Debtor's assets, conversion or dismissal is not in the best interests of creditors or the estate. Both response deadline and the objection

deadline are tomorrow, June 4, 2019, and no objection or response has been filed to date. The proposed buyer appears to be very motivated to close on the sale on or before June 30, 2019.

9. Denied as stated. In light of the proposed sale of Debtor's assets, cause for conversion or dismissal is absent.

10. Denied as stated. The United States Trustee's asserted cause for conversion or dismissal can be addressed by the proposed sale of Debtor's assets.

11. Admitted.

12. Admitted.

13. Denied as stated. The proposed sale of Debtor's assets is anticipated to generate sufficient proceeds to pay the quarterly fees in full.

14. Denied in part. It has previously been admitted that the above-captioned was commenced on February 10, 2016. While loss has occurred, the most recent offer is substantially higher than the first two offers. A proposed sale of Debtor's assets is currently pending. The proposed buyer appears to be very motivated to close on the sale on or before June 30, 2019.

15. Denied. The proposed sale of Debtor's assets would remove both causes to convert or dismiss the case.

16. Denied. Allowing the Debtor to proceed with the proposed sale of its assets would be the appropriate remedy.

WHEREFORE, KDP Bellefonte, Inc., Debtor-in-Possession herein, respectfully requests that this Honorable Court deny the relief requested in the Motion for Order Converting or Dismissing the Case

filed by the Acting United States Trustee, and for such other and further relief as is equitable and just.

Respectfully submitted,

STOVER, McGLAUGHLIN, GERACE,
WEYANDT & McCORMICK, P.C.

BY: /s/ Don Michael Hahn
Don Michael Hahn, Esquire
122 East High Street
Bellefonte, PA 16823
(814) 355-8235
Attorney for Debtors

DECLARATION

I, David R. Fonash, am the President of the debtor in this case and declare under penalty of perjury that I have read the foregoing ANSWER TO MOTION OF ACTING UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE and that it is true and correct to the best of my information and belief.

Dated: 6/3/19

/s/ David R. Fonash
David R. Fonash

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents upon the person(s) and in the manner indicated below:

Service by ECF Filing Notice as Follows:

Gregory B. Schiller, Esquire
Attorney for Movant

DATED this 3rd _____ day of June_____, A.D., 2019.

/s/ Donald M. Hahn_____